

### **REMARKS**

Applicants thank the Examiner for his careful consideration of the subject application. The Office Action mailed March 13, 2008 has been carefully considered. In this Office Action Claims 1-14 are rejected and Claims 1-14 remain pending. Claims 7 and 14 were rejected under 35 USC 112 as being indefinite. Claims 1-14 were rejected under 35 USC 102. Applicants respectfully request reconsideration and removal of the rejections based on the amendments and the arguments herein.

#### **Rejections under 35 USC 112**

The Office Action rejected Claims 7 and 14 as being indefinite under 35 USC 112. Specifically, Claim 7 was rejected as indefinite because it included the term “feasibility.” Claim 14 was rejected as indefinite because it included the term “partially optimized.”

Applicants assert, that read in light of the specification, no such indefiniteness is present. However, to more clearly claim the present invention, Applicants have modified Claims 7 and 14. Claim 7 was amended to replace “feasibility of consolidating” with “whether to consolidate.” Claim 14 was amended to remove “at least partially.” Applicants respectfully assert that these modifications remove any indefiniteness that existed.

#### **Rejections under 35 USC 102**

The Office Action rejected Claims 1-14 under 35 USC 102 in light of Friedrich (US Patent No. 5,276,877). While Applicants assert that Friedrich does not anticipate the claimed invention, Applicants have amended Claims 1 and 8 to more clearly claim the current invention.

Applicants assert that Friedrich does not have each and every element of the amended claims which is necessary for a 35 USC 102 rejection.

Friedrich, column 2 lines 53-56, states his method is directed to “display of a computer system’s configuration along with elected system metrics.” Friedrich states, column 2, lines 61-65, that he provides a “[m]ethod of evaluating the performance of a computer system described by a configuration representing physical device, the connections of the physical devices in the computer system, and workloads which are process that use system resources provided by the physical devices.” Further, at Column 3, lines 14-16, Friedrich states that his invention is “for use in modeling a computer system containing a plurality of physical devices supporting a plurality of workloads. . .”

Conversely, in Claims 1 and 8, Applicants describe, respectively, a method and system “of enabling a user to construct a target data storage system.” The claimed inventions have “a user interface to the user . . . connected over a network to . . . [a] target data storage system and one or more source data storage systems.” “[E]ach of the one or more the data storage systems includ[es][ing] one or more data storage components.” “[T]he target data storage system compris[es][ing] a plurality of storage components.” The user interface includes “a selector to enable a user to select a data storage component from the one or more source data storage systems for inclusion in the target data storage system.”

Claims 1 and 8 further claim “merging the data storage component into the target data storage system” and “simulating performance of the target data storage system using one or more workloads to obtain utilization and performance information for each data storage system component and for the target data storage system.” As well, Claims 1 and 8 include “graphically

representing the utilization or performance of each of data storage components in the target data storage system on the user interface to enable the user to visually determine whether the target data storage system meets a desired performance.”

Friedrich does not contain all of these claimed elements of the current invention and Applicants assert it can not be used as a proper 35 USC 102 rejection. First, Friedrich is directed to “modeling a computer system containing a plurality of physical devices supporting a plurality of workloads.” Applicants assert this suggests that Friedrich discloses a computer. Disclosing only a computer for his “modeling,” Applicants assert Friedrich does not disclose “[a] target data storage system,” “one or more the data storage systems” and “a user interface.” Applicants assert Friedrich can not disclose this as in the claimed invention there are at least two discrete data storage systems the “target data storage system” and the “one or more data storage systems.” As well, the “user interface” is separate but connected to the “data storage systems” via a “network connection.”

Friedrich does not disclose where “the user interface connected over a network to the target data storage system and one or more source data storage systems.” While Friedrich states his “System 100 contains two busses . . . NI bus 103 is preferably an Ethernet-type bus for high speed data communication among a plurality of network nodes,” Friedrich does not state that a “user interface” is “connected over a network to the target data storage system and one or more source data storage systems.” Rather, Friedrich discloses only “network nodes” via this connection. Friedrich does not disclose that these “network nodes” are either “[a] target data storage” or “one or more the data storage systems.” Regardless, Friedrich does not include these

Applicant: Dan Aharoni, *et al.*  
U.S.S.N.: 10/786,965  
Filing Date: 2/25/2004  
EMC Docket No.: EMC-02-132CIP1

“network nodes” in his “[m]ethod of evaluating the performance of a computer system,” as claimed in the current invention.

Therefore, Applicants respectfully assert that Friedrich does not disclose all the elements of Claims 1 and 8. Not disclosing all of the elements of the claimed inventions, Applicants assert that Friedrich can not properly be used for a 35 USC 102 rejection. Consequently, Applicants respectfully request this rejection be removed and Claims 1 and 7 be placed in condition for allowance. As Claims 2-6 and 8-14 depend on Claims 1 and 7, Applicants assert that Claims 2-6 and 8-14 should be allowable for at least the same reasons.

#### Conclusion

In view of the foregoing, the Applicants believe that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned agent at (508) 293-7450.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: June 23, 2008

/Joseph D'Angelo/  
Joseph D'Angelo (Reg. No. 56,800)  
Agent for Applicants  
EMC Corporation  
Office of General Counsel  
176 South Street  
Hopkinton, MA 01748  
Telephone: (508) 293-7450  
Facsimile: (508) 293-7189